

AUG 30 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of:**

Koch, Robert A.

Group Art Unit: 2687**Application No.** 10/717,892**Examiner:** Ramos Feliciano, Eliseo**Filed:** 20 November 2003**Attorney Docket:** BS02301 CON 2**Title:** "System & Method for Providing Usage Monitoring Telephony Services"

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the U.S.P.T.O. centralized number (703)872-9306.

Scott P. Zimmerman

August 30, 2005

RESUBMISSION IN RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

Commissioner:

The Assignee resubmits this amendment in response to a notice of non-responsive amendment. The Office mailed a Notice of Non-Responsive Amendment on August 10, 2005. This Notice states that because the subject matter of some claims was changed, the Notice says the claims should have been canceled and presented as new claims.

The Assignee, however, finds no support for such a requirement. There is no requirement that when the subject matter of a claim is changed, a new claim number is required. 37 C.F.R. §

BS02301 CON 2

U.S. Application No. 10/717,892 Examiner Ramos Feliciano, Eliseo, Art Unit 2687
Resubmission of Response to 16 NOV 2004 Final Office Action

1.126, for example, makes no mention of "subject matter." The Assignee has combed the Manual of Patent Examining Procedure, the Code of Federal Regulations, and the patent statutes, but no legal authority is found to support the office's position.

Attorney Scott Zimmerman called the Examiner. The attorney explained that no legal support can be found to support the Office's requirement of new claim numbers. The Examiner then asked to make inquiries and to call back. When the Examiner did call back, the Examiner suggested resubmitting this amendment and stating the Assignee's position.

The Assignee thus resubmits this amendment. The Assignee finds no legal authority to support the Office's position in 37 C.F.R. § 1.126, the remainder of the patent rules, nor the patent statutes. If the Office wishes to maintain that this amendment is non-responsive, the Assignee respectfully asks the Office to provide clear legal authority.

Respectfully submitted,



Scott P. Zimmerman
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